

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GLADYS ROSARIO,

PLAINTIFF,

**NOTICE OF MOTION**

Case No. 07 Civ. 5891  
(CLB)(GAY)

-AGAINST-

**ECF CASE**

JOHN E. POTTER, POSTMASTER GENERAL,  
UNITED STATES POSTAL SERVICES AGENCY;  
PAUL HOGROGIAN, LOCAL 300 PRESIDENT,

DEFENDANTS.  
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, and upon all the prior pleadings had herein, Defendants Paul Hogrogian and National Postal Mail Handlers Union, Local 300 ("Union Defendants") will move this Court before the Hon. Charles L. Brieant, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, on June 27, 2008 at 10:00 a.m. for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the Complaint for being untimely and for failure to state a claim upon which relief can be granted, and for such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), any answering papers in opposition to this motion must be served within ten (10) business days after service of these moving papers. Reply papers in support of the motion shall be served within five (5) business days of the answering papers.

Dated: May 16, 2008  
New York, New York

LEVY RATNER, P.C.

By: /s/  
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